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MINISTRY OF LAW

New Delhi, the 20th January, 1954

The following Act of the President is published for general information:—

THE PATIALA AND EAST PUNJAB STATES UNION CHAUKIDARI ACT, 1954

No. 4 OF 1954

[20th January, 1954]

An Act to provide for the appointment of chaukidars, to define the powers and duties of chaukidars and village headmen, and for matters connected therewith.

In exercise of the powers conferred by section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953), the President is pleased to enact as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Patiala and East Punjab States Union Chaukidari Act, 1954.

(2) It extends to the whole of the State of Patiala and East Punjab States Union.

(3) It shall come into force at once.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) 'chaukidar' means a person appointed to perform the functions assigned to a chaukidar by or under this Act, and includes a person appointed to be a chaukidar under the Dastur-ul-Amal, Chaukidaran Police, Riasat Patiala, 1902, who is holding office as such immediately before the commencement of this Act;

(b) 'cognizable offence' has the same meaning as in clause (f) of sub-section (1) of section 4 of the Code of Criminal Procedure, 1898 (Act V of 1898);

(c) 'Deputy Commissioner' includes any officer lawfully exercising the powers of a Deputy Commissioner or any Assistant Commissioner specially empowered by the Deputy Commissioner in this behalf;

(d) 'house' includes any shop or warehouse or ground used for purposes of trade or business;

(e) 'village' means any village or town which has a separate name in the revenue records, is defined by boundary marks, and is not a municipality or a place in which the police service of the village or town is performed by the police enrolled under the Patiala Police Act, 1985 Bk. (II of 1985 Bk.);

(f) 'village headman' means a person appointed to perform the functions of a village officer under the Punjab Land Revenue Act, 1887 (XVII of 1887), as in force in the Patiala and East Punjab States Union, and includes any person for the time being performing the functions of a village headman.

3. Appointment and remuneration of chaukidars.—The number of chaukidars to be appointed for any village, the grades of such chaukidars and the salaries to be paid to them shall be such as may be determined by the Deputy Commissioner.

4. Powers and duties of chaukidar and village headman.—Every chaukidar appointed under this Act and every village headman shall perform the following duties, namely:—

(a) he shall, to the best of his ability, prevent and may interfere for the purpose of preventing any injury attempted to be committed in his view or presence to any property, immovable or movable, belonging to the Government, railway, local authority or a *panchayat*, or the removal of any public land mark or prevent obstructions or nuisances on roads and streets;

(b) he shall arrest without any order from a magistrate and without a warrant—

(i) all proclaimed offenders within the meaning of the Code of Criminal Procedure, 1898 (Act V of 1898);

(ii) any person who in his view or presence commits a cognizable offence or who has been concerned in any such offence or against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned;

(iii) any person against whom a hue and cry has been raised of his having been concerned in any such offence whether such offence has been or is being committed within his village or outside it;

(iv) any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house breaking or anything which

may reasonably be suspected to be stolen property and against whom a reasonable suspicion exists of his having committed an offence with reference to such things;

(v) any person who obstructs a police officer in the discharge of his duty, or a chaukidar or village headman in the discharge of his duties under this Act or rules made thereunder;

(vi) any person who has escaped or attempts to escape from lawful custody;

(vii) any person reasonably suspected of being a deserter or of being illegally absent from the armed forces of the Union;

(viii) any person who has been concerned in or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in any act committed at any place out of India which if committed in India would have been punishable as an offence, and for which he is under any law relating to extradition or otherwise liable to be apprehended or detained in custody in India;

(ix) any released convict committing a breach of any rule made under sub-section (3) of section 565 of the Code of Criminal Procedure, 1898 (Act V of 1898);

(x) any person for whose arrest a requisition has been received from a police officer:

Provided that the requisition specifies the person to be arrested and the offence or other cause for which the arrest is to be made or it appears therefrom that the person might lawfully be arrested without a warrant by the officer who issued the requisition;

(xi) any person designing to commit any cognizable offence of which the chaukidar or village headman has knowledge, if the commission of the offence cannot otherwise be prevented;

(c) he shall give immediate information to the officer-in-charge of the police station within the limits of which the village is situate of every unnatural, suspicious or sudden death which may occur, and of any cognizable offence which may be committed within his village and he shall further keep the police informed of all disputes which are likely to lead to a riot or serious affray;

(d) he shall report to the officer-in-charge of such police station and also to such other officer, if any, as the Deputy Commissioner may from time to time determine, the births and deaths, if any, which have occurred within his village at such intervals and in such form as may be prescribed;

(e) he shall assist private persons in making such arrests as they may lawfully make, and shall report such arrests without delay to the officer-in-charge of such police station;

(f) he shall supply any local information which the Deputy Commissioner or any officer of police may require.

(2) If a person whom it is proposed to arrest under sub-section (1) resists an endeavour to arrest him, or attempts to evade the arrest, every chaukidar or village headman may use all means necessary to effect the arrest.

(3) No person arrested by a chaukidar or village headman shall be subjected to more restraint than is necessary to prevent his escape.

(4) Every person arrested by a chaukidar or village headman under this section shall forthwith be produced before the officer-in-charge of the police station within the limits of which his village is situate:

Provided that if the arrest is made at night, such person shall be taken to the officer-in-charge immediately on the following morning:

Provided further that the person arrested shall not be detained in custody without being informed, as soon as may be, of the grounds for such arrest and shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate.

5. Penalty.—Any person who wilfully obstructs any chaukidar or village headman in the exercise of the powers or performance of the duties conferred or imposed on him by this Act or the rules made thereunder, shall be punishable with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

6. Penalty for misconduct of chaukidar or village headman.—Every chaukidar or village headman who may be found guilty of any wilful misconduct in his office or of neglect of duty, such misconduct or neglect not being an offence within the meaning of the Indian Penal Code (Act XLV of 1860), or of placing any unnecessary restraint on, or offering any unnecessary violence to, any person arrested or detained in his custody, or of violating any of the provisions of this Act or the rules made thereunder, shall be punishable with imprisonment of either description which may extend to three months, or with fine which may extend to three hundred rupees, or with both.

7. Obligation to assist chaukidars or headmen.—Every person is bound to render to a chaukidar or a village headman discharging the duties imposed on him by or under this Act, all the assistance which he is bound to render to a police officer under section 42 of the Code of Criminal Procedure, 1898 (Act V of 1898) and any person who refuses or neglects to comply with any requisition for such assistance shall be punishable with simple imprisonment which may extend to three months, or with fine which may extend to three hundred rupees, or with both.

8. Prosecution under other laws not barred.—Nothing contained in sections 5, 6 and 7 shall be construed to prevent any person from being prosecuted under any other law for the time being in force in respect of any offence made punishable by this Act and from being

liable under any such law to any other or higher punishment than is provided for such offence by this Act:

Provided that no person shall be prosecuted and punished for the same offence more than once.

9. Chaukidars and village headmen to be public servants.—All chaukidars and village headmen shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

10. Deputy Commissioner to determine annually the total amount required for maintaining chaukidars.—(1) The Deputy Commissioner shall determine annually the total amount required in any village during any year to meet the pay and equipment of the chaukidars and any other expenditure in connection therewith which may seem to him to be necessary.

(2) For the purposes of raising the amount determined under sub-section (1), all owners or occupiers of houses in any village shall be liable to assessment at such rate on the annual value of such houses as the State Government may, on the recommendation of the Deputy Commissioner, fix in this behalf, and the amount so fixed may be paid either in cash or in kind as may be determined by rules made in this behalf.

Explanation.—For the purposes of this sub-section, the expression “annual value of a house” means the gross annual rental at which the house may reasonably be expected to let, and where such appraisal of the rental is not practicable in any case, the annual value of the house shall be deemed to be an amount which is equivalent to an amount not exceeding five *per centum* of the estimated or actual cost of erection of such house as the State Government may fix in this behalf.

(3) Where any assessment levied under this section is payable, whether wholly or partly, in kind or where the Deputy Commissioner so thinks fit, the whole or any portion of the tax so leviable may be collected in such manner as the majority of the village headmen may, with the approval of the Deputy Commissioner, determine either on the basis of the number of ploughs in the possession of any assessee or on any other basis.

(4) Where any such assessment is payable, whether wholly or partly in cash, the amount so leviable or any portion thereof may, if a majority of the village headmen with the approval of the Deputy Commissioner so decide, be raised by means of a *chungi*, or be paid out of any *kamiana*, *chungi*, *dhurru*, or any other tax levied and collected in the village immediately before the commencement of this Act and, for the purposes of this sub-section, it is hereby declared that where the majority of the village headmen with the approval of the Deputy Commissioner have so decided, any such *chungi*, *kamiana*, *dhurru* or other tax shall, notwithstanding the repeal of any law under which they were being levied immediately before the commencement of this Act, continue to be levied in the same manner and subject to the same conditions as they were being levied immediately before the commencement of this Act:

11. Preparation of assessment list.—(1) The Deputy Commissioner shall cause to be prepared for every village a schedule of assessment specifying therein, among other things, the persons liable to be assessed, the amount to be payable by every such person and the method of payment by every such person, that is, whether payable in cash or in kind or partly in cash and partly in kind.

(2) Any person may, at any time, apply to the Deputy Commissioner for a revision of the assessment of levy payable by him and if the Deputy Commissioner is satisfied that there exists good and sufficient cause for such revision, he shall cause the entry in the schedule relating to such person amended accordingly.

12. Revision and appeal.—(1) All proceedings of the Deputy Commissioner under this Act in regard to the appointment, suspension and dismissal of chaukidars, the salaries payable to them and the preparation of a schedule of assessment shall be subject to the superintendence and control of, and revision by, the Commissioner to whom the Deputy Commissioner is subordinate.

(2) An appeal shall lie from any order passed by the Deputy Commissioner under this Act—

(i) if such order is passed by any officer other than the Deputy Commissioner of a district by the Deputy Commissioner of the district or to any officer specially empowered by the Deputy Commissioner to hear such appeals;

(ii) if such order is passed by the Deputy Commissioner of a district, by the prescribed authority;

and the decision of the Deputy Commissioner of the district or of any officer so empowered or of the prescribed authority on any such appeal shall, subject to the power of revision of the Commissioner under sub-section (1), be final.

13. Power to make rules.—(1) The State Government may, by notification in the Official Gazette, after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, the State Government may make rules for all or any of the following matters, namely:—

(a) the definition of the limits of a chaukidar's beat;

(b) the determination of the several grades of chaukidars and the number of each grade to be appointed to each beat;

(c) the appointment, suspension, dismissal and resignation of chaukidars of each grade;

(d) the equipment and discipline of, and the control and the supervision over, such chaukidars;

(e) the conferring upon chaukidars and the exercise by them of any powers and the enjoyment by them of any protection or privilege, which may be exercised and enjoyed by a police officer under any law for the time being in force;

(f) the performance by chaukidars of such duties relating to police, sanitation or statistics, or for the benefit of the village communities or local authorities or *panchayats* within their respective beats as the State Government may think fit;

(g) the exercise of authority over, and rendering of aid to, such chaukidars by village headmen or members of local authority or *panchayats*;

(h) the performance by the village headmen comprised in the beat of any chaukidar, of any of the duties of a chaukidar in aid of or substitution for, such chaukidar;

(i) the exercise by village headmen for the purposes referred to in clauses (g) and (h), or by members of local authorities or *panchayats* for the purposes referred to in clause (g) of any of the powers, and the enjoyment by such village headmen or members of any privilege or protection, of a chaukidar;

(j) the determination of the rate at which, and the mode in which, chaukidars shall be paid, and the mode in which their salaries, the expenses of their equipment, and other charges connected with the village-chaukidari system shall be provided for;

(k) the collection with or without the aid of the village headmen, and by any process available for the realization of land revenue, or any tax or levy imposed under this Act and the application of, and the mode of accounting, for the same;

(l) the authority to hear any appeal against orders of the Deputy Commissioner under clause (ii) of sub-section (2) of section 12;

(m) generally for the efficient working of the system of village chaukidars:

Provided that the rules to be made under clause (c) regarding the appointment of chaukidars shall include a provision that a chaukidar to be appointed within a beat of a village headman shall be appointed on the recommendation of that village-headman to be exercised in such manner and subject to such limitations as may be provided in such rules.

14. Repeal.—The Dastur-ul-Amal, Chaukidaran Police, Riasat Patiala, 1902, is hereby repealed.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment

The terms and conditions of service of village chaukidars are not uniform throughout Patiala and East Punjab States Union and the agency is at present under the control of the Police. This has resulted in certain administrative difficulties. It is, therefore, necessary

to place the institution of village chaukidars on a proper basis and make them responsible to the Deputy Commissioners, as in the adjoining State of Punjab. Hence the present Bill.

2. The Committee appointed under the proviso to sub-section (2) of section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953) has approved the enactment of this Bill.

C. S. VENKATACHAR,
Secy. to the Govt. of India,
Ministry of States.